

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Paul Baker,
Plaintiff,

Case No: 09-cv-1061

v.

Judge William L. Standish

Eric M. Berman, PC
Defendant.

**MOTION TO COMPEL DEFENDANTS' ANSWERS TO INTERROGATOIRES and
PRODUCTION OF DOCUMENTS**

The Plaintiff, Paul Baker, ("Plaintiff"), by his undersigned counsel, hereby moves to compel responses to Plaintiffs' PLAINTIFF'S FIRST DISCOVERY REQUESTS TO DEFENDANT ERIC M. BERMAN, PC. Plaintiffs state as follows:

DISCOVERY DISPUTE CERTIFICATE

1. This is an action brought under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692, et seq., seeking redress for Defendant's conduct in sending a dunning letter directly to the Plaintiff Paul Baker when Defendant had actual knowledge that Plaintiff Baker was represented by counsel at the time the letter was sent to Plaintiff Baker.
2. On November 19, 2009 this Court entered an Order providing that discovery shall be completed by February 26, 2010.
3. On August 12, 2009, Plaintiff served the First Discovery Requests to Defendant Eric M. Berman, PC, which included Interrogatories, Request for Admissions and Request For Production Of Documents.
4. Defendants have never served a response to the Discovery.

5. On October 26, 2009 Plaintiff requested by mail that Defendant provide a response to the outstanding Discovery. Attached as Exhibit A is a copy of the letter of 10/26/2009.
6. On December 7, 2009 Plaintiff again requested by mail that Defendant provide a response to the outstanding Discovery. Attached as Exhibit B is a copy of the letter of 12/07/2009.
7. On January 12, 2010 Plaintiff requested by mail and fax that Defendant provide a response to the outstanding discovery. Attached as Exhibit C is a copy of the letter of 0112/2010.

WHEREFORE, it is respectfully requested that the Motion To Compel Response to Interrogatories and Request for Production be granted. A proposed Order of Court is attached as Exhibit D.

Respectfully submitted,

Morrow & Artim, PC

Dated: January 14, 2010

By /s/ Clayton S. Morrow
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